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Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo

Addendum

Mission to Italy*

Summary

The Special Rapporteur on trafficking in persons, especially women and children, visited Italy from 12 to 20 September 2013, at the invitation of the Government. In the present report, the Special Rapporteur highlights the country's commitment to combating trafficking in persons, as evidenced by its legal framework on trafficking and its strong partnership with civil society organizations. She nonetheless expresses concern about, inter alia, the focus on trafficking for the purpose of sexual exploitation to the neglect of other forms of trafficking, the lack of a national plan of action to combat trafficking in persons, the absence of consistent financial resources to implement assistance programmes for victims of trafficking and the absence of a State-funded compensation scheme for victims of trafficking in persons. On that basis, the Special Rapporteur makes a number of recommendations to the Government, including with regard to developing a harmonized comprehensive national plan of action to combat trafficking, and increasing capacity-building activities for government officials. The Special Rapporteur also encourages the Government to address key gaps in the support programme, especially in terms of funding, and to strengthen its regional and international engagement in cooperating with countries of origin to address the root causes of trafficking and create more opportunities for safe migration options.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

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Annex

[English only]

Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Italy

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I. Introduction

1. From 12 to 20 September 2013, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, conducted an official visit to Italy at the invitation of the Government.

2. The Special Rapporteur visited Rome, Venice, Turin, Palermo, Naples, Caserta and Castel Volturno. In Rome, she met with officials from the Ministries of Labour and Social Policy, also in charge of Equal Opportunities, Justice, Health, Foreign Affairs, the Interior and Integration, the Public Prosecutor's Office and the National Anti-Mafia Agency, and the President of the Chamber of Deputies and representatives of the Human Rights Committee of the Foreign Affairs Commission of the Chamber of Deputies. She also met local officials from the municipalities of Venice and Turin. She visited the Valette prison in Turin and two centres for the identification and expulsion of irregular migrants in Rome and Turin, where she met with representatives of the penitentiary authorities and with detainees. She also met with the Pontifical Council for Justice and Peace of the Holy See.

3. In all the areas visited, the Special Rapporteur consulted civil society organizations (CSOs) and victims of trafficking from Africa, Europe, Asia and Latin America who were benefiting from assistance or awaiting deportation.

4. The Special Rapporteur expresses her sincere appreciation to the Government, and in particular to the Department for Equal Opportunities (DEO) under the Italian Presidency of the Council of Ministers for the support it provided in planning and coordinating the visit. She further thanks CSOs, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Interregional Crime and Justice Research Institute and the International Organization for Migration (IOM) for their support and assistance.

II. Main findings

A. Forms and manifestations of trafficking in persons in Italy

5. The country's geographical location and extended coastline make it a destination and transit country for victims of trafficking. While the exact extent of trafficking in persons in Italy is not known, available figures indicate that it is greater than officially documented.

6. According to the DEO,[1] 2,650 victims of trafficking were assisted in Italy in 2012, within the framework of the Special Fund that it manages, for the implementation of assistance programmes for victims. Between 2000 and 2012, 25,657 victims were assisted as part of projects under articles 13 and 18 of Law No. 228/2003 on measures against trafficking in persons (hereinafter, article 13 and 18 projects).[2] Available information also indicates that the victims identified are mainly women and girls from Bulgaria, Hungary, Nigeria, Romania and Ukraine and, in smaller numbers, North Africa who are trafficked for sexual exploitation. Men are trafficked for forced and exploitative labour, mainly in the

[1] DEO, "Massimo impegno contro il fenomeno della tratta", 19 July 2013. Available from www.pariopportunita.gov.it/index.php/primo-piano/2381-guerra-qmassimo-impegno-contro-il-fenomeno-della-trattaq3.

[2] DEO, *Elaborazioni ed analisi a cura della Segreteria Tecnica*. Available from www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/Il_Dipartimento/tratta/Dati3_tratta.pdf.

agriculture and construction sectors. Trafficked men generally come from Asia, North Africa and, to a lesser extent, sub-Saharan Africa.

7. A growing number of persons are trafficked to Italy from Latin America and Asia. Depending on the amount paid for transportation, victims arrive by sea, land or air, sometimes transiting through other European countries. The Arab uprisings in Egypt, Libya, the Syrian Arab Republic and Tunisia have further exacerbated the inflow of undocumented migrants, migrant smuggling and trafficking in persons, predominantly for labour and sexual exploitation. Human trafficking has been detected throughout the country, including in Venice, Vicenza, Triveneto, Turin, Palermo, Naples, Caserta and Castel Volturno.

8. The victims of trafficking appear to be controlled by direct force and other means, such as debt bondage, psychological coercion and threats made against their family members. Victims are primarily lured in through deception and with promises of better employment opportunities, which ultimately lead to exploitation. Reports also indicate that some undocumented migrants were recruited in Italy and subsequently trafficked to other European countries.

1. Trafficking for sexual exploitation

9. In Italy, anti-trafficking efforts mainly focus on trafficking for sexual exploitation. In the majority of those cases, the victims are women and girls from Nigeria and Eastern Europe, mainly Bulgaria, Hungary, Romania and Ukraine who are forced to engage in street prostitution. Victims from the Edo State in Nigeria, particularly from Benin City, constitute a large proportion of the persons trafficked for sexual exploitation. Victims informed the Special Rapporteur that they had paid their traffickers sums ranging from 30,000–60,000 euros to reach Europe, for which their families had provided collateral guarantees in the hope that the victims would not only reimburse the debt but also provide financial assistance to the family at a later stage. Often victims are not aware that they will be forced into sex work as part of a Nigerian prostitution network controlled by women known as "madams". Victims work in conditions of physical and sexual violence, intimidation, unsafe sexual practices and long hours, often in dangerous and precarious environments for very low or, at times, no wages. Victims are typically controlled by intimidation and threats, and sometimes victims have even been murdered, as the Special Rapporteur was informed in Palermo. Victims are also psychologically and spiritually coerced through voodoo oaths which make it difficult for them to denounce or give away the madams, even when they are approached by social workers or the police.

10. Less visible but equally worrying is the emergence of the trafficking of Chinese women for the purpose of forced indoor prostitution in apartments and houses.

11. While the Special Rapporteur notes the understandable focus by the Government and CSOs on combating trafficking for the purposes of sexual exploitation, she cautions on the dangers of conflating trafficking in persons exclusively with sex trafficking and neglecting the other forms of trafficking prevalent in Italy.

2. Labour exploitation

12. DEO estimates that 17.27 per cent of the 5,276 foreign trafficking victims assisted by the Government of Italy and CSOs in 2011 and 2012 were trafficked for the purposes of

labour exploitation.[3] The victims were mainly from Albania, Bangladesh, China, India, Morocco, Pakistan, Poland, the Republic of Moldova and Romania.

13. Adult male victims are often trafficked into labour exploitation in the agricultural and construction sectors in southern Italy, where they are subjected to unsafe working conditions, which often lead to casualties related to machine operation. Indian and Pakistani men are exploited in livestock production, especially on buffalo farms, working 10 hours a day for between 2.50 and 3 euros per hour — 40 per cent below the national standard for farm workers. The Special Rapporteur was informed of cases where, following government legislation allowing for the regularization of undocumented migrants in employment, employers had coerced undocumented workers into covering the administrative fees for their regularization, in addition to making them work in inhuman and harsh labour conditions for very low wages.

14. In the north, male and female adult victims are often forced into work in the service sector, including domestic work. The textile industry is also connected with the trafficking of women and men for exploitative labour. In her exchange with one victim, the Special Rapporteur learned of the existence of clandestine Chinese-run factories bringing Chinese labourers into the country and subjecting them to exploitative hours, low wages and substandard living conditions.

3. Organized crime

15. DEO reported that 189 assisted victims had been trafficked for participation in organized crime between 2011 and 2012. The victims are mainly from Romania and North Africa, especially Morocco, and are forced into selling drugs. The limited information available on this form of trafficking indicates that traffickers and victims are usually from the same country. The more traditional Italian crime organizations do not generally seem to engage directly in trafficking in persons but collaborate with traffickers indirectly. It is difficult to determine the scope and characteristics of trafficking for organized crime in Italy.

4. Child trafficking

16. The Special Rapporteur notes that, as for all other trafficking, there is a lack of coherent data in the country on child trafficking. It is officially estimated that 15 per cent of trafficking victims are minors.[4] The country has been identified as a destination and transit country for child victims of sexual exploitation and labour exploitation. These victims are trafficked from African States, such as Morocco and Nigeria, and Eastern European countries, such as Albania, Bulgaria, the Republic of Moldova, Romania and Ukraine. There is also a market for transgender children, in particular from Brazil, as well as for Roma and Sinti boys.

17. The Special Rapporteur received information on the increasing trend of trafficking for the purpose of forced begging. Roma children are often linked to begging and petty-theft rackets, whilst Romanian-Italian networks have been reported to traffic disabled persons for forced begging. Unaccompanied children who arrive in Italy are placed in care homes; however, reports indicate that many of them disappear from these places, often into the hands of criminal networks.

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[3] Ibid.

[4] Eurostat Methodologies and Working Papers, Trafficking in human beings (2013). Available from www.reteparioppportunita.it/Rete_Pari_Opportunita/UserFiles/news/20130415_thb_eu_report_en.pdf.

5. Domestic workers

18. Deficiencies in the public welfare system, which is hampered by insufficient funding, and an ageing population mean that, for the most part, there is a reliance on foreign women to work as care/domestic workers in private homes and they undertake a range of tasks, from cleaning to taking care of children, people with disabilities and the elderly (see A/HRC/20/16/Add.2, para. 28). While not all migrant women are victims of trafficking in persons, statistics from DEO Ministry of Labour and Social Policy indicate that, between 2011 and 2012, 101 victims of trafficking for domestic exploitation were identified and assisted; however, they represented less than 2 per cent of the overall number of assisted victims. The Special Rapporteur noted the lack of information on this group of persons, who are often at high risk of becoming victims of trafficking.

6. Emerging forms of human trafficking

19. Except for information on assistance provided by DEO on six victims trafficked for the purposes of organ removal in 2011 and 2012, the extent of trafficking for those purposes and its modus operandi remain largely unknown.

20. The Special Rapporteur was pleased to learn about the regulated process for organ transplantation of the National Transplant Centre of the Ministry of Health, which makes it difficult for illegally obtained organs to be transplanted in national medical facilities. While the national transplant system guarantees that the transplanted organ can be traced electronically, it is worth noting that transplantations of illegally obtained organs performed in non-recognized medical facilities in the context of transplant tourism, or those performed outside the country, are not documented.

B. Legal and policy framework for combating trafficking in persons

1. International and regional frameworks

21. Since 2006, Italy has been a party to the United Nations Convention against Transnational Organized Crime and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing it (the Palermo Protocol). Moreover, Italy has also ratified eight of the nine core human rights instruments, a number of which are of particular relevance to combating trafficking, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Italy has also acceded to the Convention relating to the Status of Refugees (1951) and the Protocol thereto (1967), and has ratified International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

22. As a European Union member State, Italy has incorporated all the articles of the European Convention for the Promotion and Protection of Human Rights and Fundamental Freedoms in its national legal framework. The main provisions of that Convention that concern the issue of trafficking are article 3 outlawing inhuman and degrading treatment, article 4 prohibiting slavery and forced servitude and article 5 guaranteeing the right to liberty and security of person. Furthermore, Italy has enacted in its national legal framework the Council of Europe Convention on Action against Trafficking in Human Beings. Italy is also bound by a number of European Union directives pertaining to asylum seekers and their host countries, including those forming the common European asylum system, and in particular: Council directive 2003/9/EC laying down minimum standards for the reception of asylum seekers; Council directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as

persons who otherwise need international protection and the content of the protection guaranteed; Council directive 2005/85/EC on minimum standards on procedures in member States for granting and withdrawing refugee status; European Parliament and Council directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; and Council directive 2008/115/EC on common standards and procedures for returning illegally staying third-country nationals.

23. At the time of the visit of the Special Rapporteur, Italy was still in the process of incorporating directive 2011/36/EU in its national legal framework. The directive provides for measures to facilitate access to justice and compensation for victims of trafficking and the introduction of a national monitoring system, such as an independent national rapporteur or equivalent mechanism, to assess and report on trends in trafficking in human beings and measure results of anti-trafficking actions, including through the collection of statistics in close cooperation with relevant civil society organizations active in this field. After the mission, the Special Rapporteur was informed that the directive had been enacted in national legislation in early 2014 through legislative decree No. 24/2014, whereby DEO was officially established as the Italian equivalent mechanism.

2. National legal framework

24. Italy has taken significant steps to establish a comprehensive legal framework for combating human trafficking in the country. The 1998 Italian Immigration Act (legislative decree No. 286/1998) was the first legislative tool in Europe to combat trafficking and guarantee the protection of victims. In article 12, paragraph 3 ter, of the Act, recruitment for prostitution and sexual or labour exploitation and the exploitation of minors in illicit activities, in order to obtain direct or indirect profit, are criminalized.

25. Article 18 is focused on a victim-centred approach and programmes of long-term assistance and social inclusion for victims of trafficking are provided for therein. Under the same article, a six-month temporary "social protection" residence permit can be granted to victims identified and can be renewed for one year and converted into a long-term work or student residence permit. In accordance with article 18, the residence permit may be granted in one of two ways. The first is the judicial avenue, which is contingent on the victims' cooperation with the public prosecutor's investigation. In this case, the issuance of a stay permit is at the discretion of the public prosecutor. The second avenue is a procedure involving local authorities and civil society organizations, which does not require the victims' cooperation with the police; but an accredited CSO or the social services of a city council must submit a statement containing provable key elements on behalf of the victims.

26. Until December 2006, assistance programmes were tied to social protection permits and were thus only addressed to victims of trafficking from outside the European Union. However, the increased proportion of Romanian victims identified led to assistance programmes being provided to all victims of trafficking, regardless of their nationality.

27. Following the adoption of the Palermo Protocol, the Government introduced Law No. 228/2003 on measures against trafficking in persons. The law specifically criminalizes both internal and cross-border trafficking offences and covers all forms of trafficking, including slavery and servitude. In it, a more severe punishment is provided for the abuse of a relationship of power when coupled with the requisite elements of the crime, i.e., violence, abuse of authority and profiting from circumstances in which the other person is in a situation of physical or psychological inferiority. In the law, situations in which victims are not subjected to total control and retain some freedom of movement, and in which they are not subjected to cruel forms of violence are also addressed. Moreover, particular attention is paid to the involvement of organized criminal networks in trafficking and the law extends the application of existing legal provisions on mafia, terrorism and subversion to human trafficking and slavery, on the assumption that they have similar characteristics.

Any attempt to commit human trafficking is also criminalized. Penalties ranging from 8 to 30 years' imprisonment and the confiscation of profits derived from trafficking are provided for. The latter contributes to a yearly fund of 8 million euros that is mostly financed by a yearly government budget allocation. The fund assists programmes under article 13 of the law, which grants temporary three-month residence permits and provides social assistance to foreigners who are victims of trafficking on the Italian territory, including European Union citizens.

28. Law No. 228/2003 amended several provisions of the Italian Criminal Code, including articles 600 (holding a person in slavery or servitude), 601 (trafficking and slave trade) and 602 (sale and transfer of slaves), which were used to prosecute trafficking cases. In order to prove the offences under articles 600, 601 and 602 of the Criminal Code, there must be evidence that the victim was recruited using "abusive means", which is often difficult to establish as trafficking and smuggling are often cross-cutting.

29. The trafficking of children is often prosecuted under articles 600 bis of the Criminal Code (child prostitution), 600 ter (child pornography) and 600 quarter (possession of pornographic material), as well as under Law No. 228/2003. Penalties are increased by between one third and one half when victims are minors, destined for prostitution or intended for organ-harvesting.

30. More recently, a new crime relating to the exploitation of minors for forced begging has been introduced by Law No. 94/2009; the offence had previously been treated as a misdemeanour. Not only are those who make use of minors (aged 14 and under) in begging or allow them to beg punished, but also those who allow someone else to exploit minors under their authority or entrusted to their custody or guardianship for that purpose.

31. The legal framework for addressing prostitution is piecemeal. The main piece of legislation is Law No. 75/1958 on Prostitution and the Fight against the Exploitation of the Prostitution of Others. Under that law, prostitution is decriminalized, while the control and exploitation of those in prostitution remains a criminal offence. Article 3 of the law prohibits the establishment of brothels and article 7 abolishes compulsory medical checks for and police monitoring and registration of prostitutes. Article 3 sets out a series of offences in an effort to sanction all activities which would in any way facilitate, abet or procure persons for prostitution. They include activities by national or foreign associations, inducing a person to move to a given location to engage in prostitution and leasing property for the purpose of prostitution being conducted therein. The penalties for each of these offences, despite differences in their gravity, are the same: between two and six years' imprisonment and a 500,000 to 20 million euro fine. Aggravating circumstances listed under article 4 means the penalties are doubled in cases where the offender uses threats, deception or violence or where there are multiple victims. The sole scenario where the law will hold a prostitute's client criminally liable is when the victim is 18 years of age or younger.

32. There is no specific legislation criminalizing forced labour. However, slavery and servitude are prohibited. Article 600 of the Criminal Code includes "forced labour" and "forcing [a] ... person into begging" in its definition of "slavery or servitude". This same definition was adopted for the trafficking in persons offence (art. 601). Moreover, under article 12, paragraph 3-ter, of the 1998 Immigration Act, acts undertaken to recruit persons for prostitution or for sexual and labour exploitation, or for the exploitation of minors in illicit activities, or for profit, even indirect, are criminalized. Under article 2 of the same law, it is also an offence to hire foreigners without a residency permit. Article 11 of Law No. 189/2002 modifying immigration and asylum regulations (Bossi-Fini Law) envisages penalties of up to 12 years' imprisonment and a fine of 15,000 euros for each undocumented person smuggled into the country for a profit. Penalties may be increased to 15 years and 25,000 euros if those smuggled were also subjected to inhuman or degrading

treatment, the purpose of the smuggling was for sexual exploitation or those involved were minors and were intended to be participants in illicit activities.

C. Criminalization of irregular migration and the impact on trafficked persons

33. Italian legislation distinguishes between the crimes of smuggling and trafficking in persons. However, the Special Rapporteur observed that political and public attention directed towards all issues pertaining to migration has led to discourse and policies with a national security focus, which have led to the criminalization of undocumented migrants and which, where not carefully designed, have failed to distinguish trafficking from other forms of migration. This contributes to confusion between the broader class of irregular migrants and victims of trafficking, who are often categorized as irregular or undocumented and thus not identified as victims.

34. Irregular migration is prohibited under article 11 of the Bossi-Fini Law. In the law, severe border control measures are stipulated and more power for removals, longer periods of detention and increased penalties for migrants who fail to comply with the removal orders provided for. Laws Nos. 92/2008 and 94/2009 aimed at fighting widespread irregular migration and organized crime led to the criminalization of irregular immigration, the criminalization of aiding and abetting irregular migration, including providing housing or employment to irregular migrants, thus facilitating expulsion and an extension of the period of detention for irregular immigrants to six months. Furthermore, the status of irregular migrant is defined as an aggravating circumstance for other criminal offences. Law No. 129/2011 extends the maximum term of detention in a centre for identification and expulsion from 6 to 18 months. It should be noted, however, that this provision was declared unconstitutional by the Italian Constitutional Court, although it remains law (see A/HRC/23/46/Add.3, para. 17).

35. Undocumented migrants are usually first processed through first assistance and reception centres and upon assessment are transferred to centres for identification and expulsion where their nationality is determined, so that they can be removed from the country.

36. Detention in such a centre and expulsion of an irregular migrant is confirmed or validated within 48 hours by a magistrate (*giudice di pace*), who often has not been given specific training on migration, asylum or trafficking issues. For the validation of expulsion and detention orders, a defence lawyer, either chosen by the expellee or court-appointed, has to be present. In practice, court-appointed lawyers are often not specifically trained in migration and asylum matters. All these factors contribute to the failure to properly identify victims of trafficking.

37. The strong political inclination towards criminalizing and prosecuting people smuggling may have unintended negative consequences for the victims of trafficking. Any irregular migrant wanting to report abuse, including trafficking and labour exploitation, risks exposing himself or herself to the real danger of being charged for the offence of "irregular entry or stay", and even detained and ultimately expelled. As a result, many irregular migrants are afraid to contact the authorities and avoid seeking legal protection and remedies, even when they are entitled to them. This approach that emphasizes national security also leads to the criminalization of victims for crimes committed while being trafficked and for which they should not be held liable. That is a clear violation of the international legal obligation of Italy to identify victims of trafficking; to provide

immediate protection and support to such persons; and to ensure that they are not criminalized for offences relating to the fact of their having been trafficked.[5] The situation is particularly worrying since irregular migrants include children. The processes used to determine the age of migrants are such that unidentified minors often end up in adult detention centres.

New developments after the visit of the Special Rapporteur

38. The Special Rapporteur was pleased to learn that, following the Lampedusa tragedy on 3 October 2013, the Justice Commission of the Senate approved an amendment to the Bossi-Fini Law to abolish the crime of irregular migration. The Italian Senate, on 21 January 2014, voted in favour of the abolishment of the crime of irregular entry and irregular stay, through the adoption of an amendment to the proposed law No. 925/2014 regulating procedural reforms of the current prison law. The Chamber of Deputies is requested to approve the amendment for the reform to take effect.

D. Institutional framework

39. The National Anti-Mafia Agency (Direzione Nazionale Anti-Mafia, DNA) is the prosecutorial office for human trafficking offences. It forms part of the Ministry of Justice and is the national office for the criminal prosecution of organized crimes. It coordinates all mafia-related investigations and collects data on criminal proceedings for trafficking in human beings. It is composed of members of the Public Prosecutor's Office, a judicial authority entrusted with directing investigations and the judicial police. DNA acts as the central coordinating body to ensure the effective organization of investigations by the 26 district anti-mafia directorates countrywide, which gather information about offenders, victims and crimes committed. That information is then entered into a database coordinated by DNA. DNA was able to develop a list of indicators to identify cases of trafficking which is in turn used by the district directorates. The crimes investigated include criminal association to commit offences under articles 600, 601, 602 of the Criminal Code and paragraph 3 bis of the 1998 Immigration Act relevant to trafficking in persons. The district directorates are responsible for seizing mafia proceedings.

40. DNA also cooperates with the Ministries of Justice and Foreign Affairs on legislation and international agreements and participates in meetings held by the United Nations Office on Drugs and Crime and the Organization for Security and Co-operation in Europe. In order to foster cooperation in fighting transnational organized crime, DNA has established relations with the judicial authorities in various countries and concluded memorandums of understanding to facilitate the investigation and prosecution of traffickers.

41. An inter-ministerial commission for the support of victims of trafficking, violence and serious exploitation was put in place in compliance with article 18 of the 1998 Immigration Act to coordinate monitor and plan all national resources allocated to social assistance and integration programmes for victims of trafficking. It was chaired and coordinated by DEO and composed of representatives of the Ministries of the Interior, Justice, Labour and Social Policy, the Department for Family Policy, the Permanent Conference of the State, Regions and the Autonomous Provinces and the National Association of Italian Municipalities. The Special Rapporteur learned of the dissolution of this commission in July 2013 owing to budgetary constraints, but is hopeful that the new

[5] See Principles and Guidelines on Human Rights and Human Trafficking.

mandate of DEO to act as the national equivalent mechanism will enhance the coordination of all activities to combat trafficking in persons and protect its victims.

42. DEO, under the Italian Presidency of the Council of Ministers, is the central public authority in charge of promoting and coordinating anti-trafficking policies and actions, with a focus on a human rights-based approach. It manages an 8 million euro special fund each year for the provision of primary and long-term assistance services to victims of trafficking. Each year, CSOs are called upon to tender project proposals to assist the Government in implementing social assistance programmes and, on that basis, DEO selects and co-finances with local authorities, article 18 projects on a 70/30 ratio and article 13 projects on an 80/20 ratio. However, the Special Rapporteur received worrying information about the failure of local authorities to meet their share of the financial contribution, which has a negative impact on the implementation of the selected projects. According to the Government, despite limited resources, 21,347 victims, including 1,196 children, were assisted within the framework of article 18 projects between 2000 and 2012, while 3,704 victims, of whom 203 were children, received assistance under article 13 projects between 2006 and 2012. An average of 2,000 people are said to be assisted each year. At the time of the visit, the Special Rapporteur was informed by various interlocutors that cuts to the fund were envisaged and warned that they would jeopardize victims' welfare and their access to effective remedies, as well as contribute to eroding the extensive experience and expertise of Italy in combating trafficking. In early 2014, DEO reported that the fund had been refinanced in the amount of 5 million euros for the year, which represents a 3 million euro cut in comparison with previous years.

43. While DEO manages a database of information from CSO and local authorities' reports, the absence of a harmonized and centralized data-gathering system renders the collection of comprehensive nationwide statistical information difficult. Moreover, data on trafficking are gathered by two different institutions: DEO gathers data on victims assisted under article 13 and article 18 projects; DNA gathers data on victims identified through judicial procedures and investigations (under articles 600, 601 and 602 of the Criminal Code). The absence of clear protocols for identification and data registration contributes to the lack of clarity and understanding of the phenomenon of trafficking in Italy, which in turn affects the design of policies and programmes to accurately and adequately tackle trafficking in persons.

44. Another challenge in the country's combating trafficking is the absence of a national comprehensive and harmonized plan of action. As a result, anti-trafficking initiatives have been uncoordinated and disparate, the identification of and assistance to victims are ad hoc, responsibilities among the various actors are blurred and training remains inadequate.

45. The Special Rapporteur learned that the development of a national strategy to strengthen cooperation between the national authorities and CSOs and to enhance the implementation and the evaluation of all national measures against human trafficking has been in the pipeline for several years. In 2007, a human trafficking observatory (Osservatorio Nazionale sul Fenomeno della Tratta degli Esseri Umani), whose main task was to draft a national action plan,[6] was established by DEO, only to cease operation in 2013. However, the Special Rapporteur is pleased to learn that legislative decree No. 24/2014, which was adopted in early 2014, provides for the establishment of a national action plan against trafficking in persons.

[6] DEO, "Towards the construction of an anti-trafficking national plan", (2008). Available from www.progettoroxana.it/roxana/components/com_docman/dl2.php?archive=0&file=cmFwcG9ydG9fY29taXRhdG8ucGRm.

46. The Special Rapporteur was informed of corruption in pivotal public positions, ranging from the police and judiciary to the diplomatic services, which hinders the country's efforts to fight trafficking in persons. She received information of an instance in southern Italy where employers were forewarned of a labour inspection, thus giving them the opportunity to ensure that no irregular workers were present during the inspection. She also was made party to allegations of corrupt consular staff in an African State providing visas to victims of trafficking in collaboration with traffickers.

E. Identification of trafficked persons

47. In Italy, a global figure for the number of victims identified in a given year is not available. Existing data cover victims who benefited from articles 13 and 18 projects and those identified through investigations. However, the absence of a centralized and harmonized database means there is no clear, full picture of the phenomenon at the national level. According to DEO,[7] in 2012 2,621 victims of trafficking were assisted under article 13 and 18 projects, while the number in 2011 was 2,655. Over the two years, more women (3,814) than men (1,389) were assisted. In 2012, 66.8 per cent of victims assisted had been subjected to sexual exploitation, 16.4 per cent to labour exploitation, 3.9 per cent had been forcefully involved in criminal activities, while 1.5 per cent had been held in domestic servitude.

48. In 2000, a national helpline for victims of trafficking in human beings, known as the Numero Verde anti-tratta, was established and funded by DEO and is the first channel for identification. The helpline is anonymous and free, and reports can be made by victims themselves, social and law enforcement agencies, the judicial authorities, clients, private institutions and the population at large. It aims to provide detailed information on rights and services granted to victims of trafficking in Italy in Albanian, Arabic, Bulgarian, Chinese, English, French, Hungarian, Moldovan, Portuguese, Russian, Spanish and pidgin. This 24/7 helpline is headquartered in Venice and run by trained operators, who make the first assessment, provide information and redirect calls to one of the 22 CSOs and public institutions charged with providing emergency assistance nationwide within two hours of notification. Thereafter, victims of trafficking are referred to the evaluation and crisis unit in their area, where they are interviewed with the support of linguistic and cultural mediators from the same cultural background as themselves.

49. Another channel for the identification of victims of trafficking is through the mobile units that ensure the presence of social services among populations at risk of exploitation, especially sex workers and beggars in the streets. The activities of the mobile units include monitoring exploitation, prevention and dissemination of information on risk behaviour, receiving requests for help, and reporting and sharing potential cases with the helpline. The Special Rapporteur acknowledges the benefits of such units working to identify victims of trafficking; nonetheless, she shares the concern of the social workers and other actors whom she met regarding the absence of a similar mechanism to address other forms of trafficking than for sexual exploitation, including labour exploitation.

50. Law enforcement agents are the third channel for victim identification and in principle should collaborate with the National Helpline and the evaluation and crisis units. While the system provides for victims of trafficking to meet with social workers before reporting to law enforcement authorities in order to foster trust and ensure they receive

[7] DEO, "Elaborazioni ed analisi a cura della Segreteria Tecnica". Available from www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/Il_Dipartimento/tratta/Dati3_tratta.pdf.

adequate information on their rights as victims, this rarely occurs. In practice, law enforcement officers are often the first point of contact for victims and tend to request a deposition from them before alerting social workers. Moreover, the Special Rapporteur was informed of instances where officials at the local police headquarters had decided whether or not a person was a victim of trafficking and should therefore benefit from victim assistance programmes or not. Decisions by regional authorities do not follow a national set of guidelines nor standard identification procedures and are thus subjective and vary from region to region. The Special Rapporteur further notes that, de facto, this channel makes assistance conditional on victims' cooperation with law enforcement authorities, contrary to the guarantees of the law. Furthermore, considering the harsh immigration laws, the sheer number of migrants arriving in Italy, victims' fear of providing information about their status — including because they are intimidated by any traffickers who may be among them — and the limited capacities of some law enforcement officials, victims of trafficking are at risk of being misidentified as undocumented migrants rather than actual victims. This process could additionally lead to the prosecution of victims for crimes committed while being exploited. A case in point is that of a Nigerian girl, trafficked for sexual exploitation, who was misidentified and arrested as an irregular migrant on three separate occasions in Lampedusa and Turin.

51. In that regard, the Special Rapporteur was pleased to learn about the plan of the European Asylum Support Office for the training, from October 2013 to December 2014, of immigration and law enforcement officers in charge of receiving migrants at entry points.

52. Labour inspectors, as part of the Carabinieri Command for the Protection of Labour, which is a unit of the Carabinieri Mobile and Special Organization, operate under the Ministry of Labour. Inspectors are tasked with monitoring the application of labour legislation and social security in industrial and commercial firms, offices, farms and, broadly, where paid work is foreseen. A short training course enables these inspectors to detect abuses, check working conditions and protect the security and health of workers, especially of those in vulnerable conditions, such as foreigners and minors. Their main task is to stamp out illegal employment and every type of human exploitation, which exploitation is frequently linked to irregular immigration, trafficking in human beings and slavery.

53. In order to address victim identification at its borders, Italy has, since 2006, been implementing the Praesidium programme to strengthen the initial reception capacity with respect to mixed migratory movements in the main places where migrants arrive, i.e., Sicily, Calabria and Apulia, in collaboration with IOM, UNHCR, the Italian Red Cross and Save the Children International. UNHCR provides information on the asylum system, while IOM focuses on victims of trafficking. The multi-agency approach allows for timely identification of specific needs and possible responses thereto, which include using the asylum procedure or other forms of protection or opting for voluntary return.

54. IOM Italy focuses on assisting victims of trafficking for sexual purposes, mainly young Nigerian women arriving by sea along the southern Italian coast, using specific trafficking indicators and interviews. While acknowledging the efforts of the organization to address trafficking of that particular group, the Special Rapporteur considers that equal attention should be paid to all incoming migrants who may be in position of vulnerability. As an evolving phenomenon, trafficking in human beings takes different forms. Moreover, it was reported that often victims of trafficking arriving as undocumented migrants apply for humanitarian residence permits and, if their application for asylum is rejected, have no other means of obtaining protection. In practice, asylum seekers are not given access to the assistance and protection measures available for victims of trafficking, and vice versa. Victim identification remains a major challenge.

55. An interministerial working group aims to develop a protocol for the identification of child victims of trafficking. Upon arrival at border points, adults and children are systematically separated. A medical examination is available to determine the age of the persons, who, in case of doubt, are considered to be minors. According to information provided by CSOs, the identification of underage victims is difficult as they often declare themselves to be adults. In that connection, the Special Rapporteur notes with concern that not enough time and effort seem to be provided for the proper identification of victims, especially children. Her brief discussion with a group of young Nigerian girls who had just been transferred from Lampedusa to the centre for identification and expulsion in Ponte Galeria, Rome, indicated that, while all declared themselves to be adults, some might have been minors, as was revealed by the inconsistencies in their interview with the Special Rapporteur.

56. The Special Rapporteur observes that the official numbers of victims identified may not be indicative of the true extent of the problem of trafficking. Moreover, the lack of a harmonized system of data collection does not allow for a clear and comprehensive understanding of the scope of the phenomenon, even for those victims who have been identified. Despite the diverse identification channels, the existing identification protocols remain uncoordinated and implementation inadequate.

57. Furthermore, the Special Rapporteur expresses concerns that the emphasis and focus on trafficking for the purpose of sexual exploitation has led to the neglect of other forms of trafficking. The identification of victims of trafficking for the purpose of labour exploitation is less than satisfactory. In addition, CSOs working with victims of labour trafficking report that one of the main shortcomings in addressing those victims is the absence of a clear legal framework protecting victims of labour exploitation, who, if reported to law enforcement authorities, face criminal charges for their irregular immigration status under the Bossi-Fini Law, rather than receiving protection.

F. Protection of trafficked persons

58. Victim protection is mainly guaranteed through the provision of comprehensive social protection including the issuance of a social protection residence permit not contingent on the victim's cooperation with the investigation, placement in a shelter, access to health-care services, legal counselling and assistance during trial, as well as psychological and social service support, cultural and language mediation and training, educational activities, job orientation and vocational training.

59. As part of article 13 and 18 projects, shelters function as safe houses where victims' integrity and privacy are protected. Once victims are identified, they are often sent to shelters in other communities to protect them from their traffickers. A social assistance plan is then developed in coordination with the victim and the local social services unit. Victims are provided with assistance during the first three months of their stay, during which a residence permit is issued that can be renewed for up to 18 months, depending on how the plan evolves and the person works with the social services. Upon assessment of the progress made by the victim over the first three months, a voluntary return to the country of origin may be proposed. The Special Rapporteur notes a good practice in the Venice region, where former victims who have been trained as cultural mediators actively contribute to helping other victims. This is instrumental in building trust with new victims. Following an interview conducted by social workers, victims are enrolled in article 13 projects where they stay in a protected shelter to begin a three-month reflection period. During that period, they receive legal assistance, health-care services and Italian-language training.

60. It is worth noting the absence of specialized shelters for male victims of trafficking. The Special Rapporteur received information about one newly opened NGO-run shelter for

male victims of trafficking for labour exploitation in the Caserta area. It is also of concern to note the limited number of shelters specialized in receiving child victims of trafficking. The Special Rapporteur underlines the importance of placing child victims of trafficking in shelters where they are not mixed with other types of vulnerable children, as they have often suffered severe traumatic experiences and need specific psychological care and tailored rehabilitation programmes.

61. At the end of the 18-month programme, the residence permit can be converted, but only if the victim obtains employment. The Special Rapporteur notes with concern that the article 13 and 18 projects do not allow for long-term rehabilitation, because the likelihood of finding employment without adequate work experience is proving low in the prevalent economic climate, where even the unemployment rate of Italians is high. This can drive victims back into exploitation as they try desperately to look for employment in an attempt to obtain a work permit.

62. The Special Rapporteur further notes that victims do not seem to fully grasp that, once their social protection residence permit has expired and if they have not been able to find a job, they become irregular migrants and subject to deportation. During interviews in centres for identification and expulsion, several individuals stated that they had been arrested while attempting to renew their social residence permits under article 18. This is a challenge in the protection system, as once victims fall back into irregularity they become vulnerable again and are at risk of further exploitation.

63. In the context of judicial proceedings, Italian law provides that all victims are entitled to receive high-level witness protection (art. 2, para. 2, of Legislative Decree 23 April 2004, No. 161 of the Ministry of Interior and art. 51, para. 3 bis, of the Code of Penal Proceedings); such protection includes the provision of bodyguards and access to safe houses. However, in practice, that protection is rarely available to victims of trafficking. Instead, such victims are provided protection during court hearings and, at the victim's request, the trial can be conducted in closed hearings, in accordance with article 15 of Law No. 228/2003. According to the Ministry of Justice, hearings can also be held using an interphone system, so that victims do not see their traffickers, who in turn do not see their victims. However, by law the defendant has a right to know the identity of the victim, unless the victim is a child.

64. The protection of the family members of victims of trafficking is generally beyond the scope of what can be offered by the Italian authorities. The Special Rapporteur received information on pressure and threats made to victims' families in order to force submission to exploitation. It was further reported that threats to families are not only physical or psychological but also economic, as in some cases families provided collateral to finance victims' migration projects.

G. Investigation and prosecution

65. The law provides severe penalties for trafficking-related offences. However, conviction rates are very low. According to the Ministry of Justice, Italy currently counts 154 persons convicted of the offence of trafficking, of whom 70 were given sentences ranging from 5 to 10 years, and 45 sentences ranging from 10 to 40 years. The low number of individuals convicted as compared to the number of investigations testifies to the difficulties that are encountered during the prosecution phase. If during the cross-examination phase of the trial, victims state that they do not remember their initial statement, that statement is no longer admissible. Given the very fragile state of victims of trafficking and their fear of traffickers, it is often the case that a victim's initial statement is no longer admissible in court. Therefore, the prosecution has to gather substantial evidence prior to the court hearing. Judicial officials reported that, because the Italian legal system

provides defendants with strong defence guarantees, investigations are lengthy and expensive. The legal system provides for an extended statute of limitation for trafficking offences, which is twice as long in order to allow victims more time, in case they decide to report their traffickers at a later stage.

66. DNA maintains a database of information on trafficking crimes, cases under investigation and victim profiles for trafficking-related offences, in accordance with articles 600, 601 and 602 of the Criminal Code. Between 2009 and 2013, a total of 2,127[8] individuals were identified as having been victims of offences listed under the above-mentioned articles of the Criminal Code. However, recently, there has been a significant decrease in the number of trafficking cases investigated in Italy. According to DNA statistics, between 2009 and 2013, the number of investigations decreased by 54 per cent, reflecting the 84 per cent drop in the number of victims identified by DNA. Over that five-year period, the number of child victims identified decreased by 89 per cent, while the number of adult victims identified dropped by 83 per cent. Between 2009 and 2013, victims from 21 countries were identified, including Italy.

67. It was reported that programmes under article 18 operate as an effective tool in increasing victims' cooperation with investigations. The long-term residence permit provided through the social path, which does not require cooperation with the police, helps build trust with the authorities and, as a result, leads victims to seek redress by registering an official complaint with the police. According to information received, from 2004 to 2007, 3,805 residence permits were issued. However, there has been a significant decrease in the number of social protection residence permits issued in recent years. In 2011, 2,106 permits were issued, a number partly due to the large influx of irregular migrants owing to the Arab Spring, while 974 residence permits were issued in 2012.

68. Not all forms of trafficking are equally investigated. While DNA has conducted some effective investigations into trafficking for labour exploitation, the slowness of the labour court system leads to many cases being settled by mediation. Nonetheless, the Special Rapporteur was informed about a Polish criminal group responsible for trafficking workers from Poland to Italian farms between 2005 and 2008 that had been successfully identified. She was further pleased to learn about 22 arrest warrants issued in May 2012 in Apulia based on charges of trafficking of Ghanaian and Tunisian migrants who were subjected to "slavery-like conditions".[9]

H. Redress for victims of trafficking

69. It is important to note that Italy does not have a State-funded compensation scheme for victims of trafficking in persons, despite the provisions of European Union directive 2004/80 relating to compensation to crime victims and article 19 of European Parliament and Council directive 2011/36/EU, according to which victims of trafficking must have access to a compensation scheme. While directive 2004/80 was enacted in national law in legislative decree No. 204/07, it is deemed to be inapplicable to victims of trafficking in persons. It should also be noted that Italy is required to take steps to provide effective remedies for victims of trafficking under both the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings."

[8] DNA, "Dati statistici sulla tratta e reati connessi" (2013).

[9] Amnesty International, *Exploited Labour: Migrant Workers in Italy's Agricultural Sectors* (London, 2012), p. 28. Available from www.amnesty.org/en/library/asset/EUR30/020/2012/en/bb31a7ab-6537-43f8-92a8-c7b1f484198a/eur300202012en.pdf.

70. The only path for compensation available to victims of trafficking in persons is a civil claim under articles 74 and 75 of the Italian Criminal Code. However, it is generally a difficult process, hampered by long delays and the fact that traffickers are often insolvent and that NGOs normally have no budget to cover legal fees. The Special Rapporteur received information from the Ministry of Justice that, during the legal proceedings, victims can request compensation, which can only be granted upon the seizure and forfeiture of the trafficker's assets, including before conviction. Yet, within this specific framework, compensation remains uncertain and insubstantial.

I. Repatriation and reintegration

71. The Ministry of the Interior is responsible for the programme of voluntary return and works with IOM in its implementation. Victims who choose to return home are provided with information and counselling, receive assistance with obtaining travel documents and are accompanied by IOM on their journey. The evaluation and Crisis Units have also been involved in facilitating victims' safe return, especially child victims. It was reported that there is close cooperation with local authorities in order to facilitate the safe return of trafficked children, particularly when the return is to a European country. Often cultural mediators physically accompany children back to their country and are thus able to assess the situation there. Once home, repatriated victims benefit from a six-month follow-up programme to facilitate their reintegration into society. However, very few victims choose to return home and often end up falling into irregularity.

72. Assistance programmes under article 18 include tailored activities to help victims develop a set of skills that can enable them to better integrate into Italian society and have access to the labour market. However, it was also underlined that, in some cases, integration into Italian society was impossible in the medium term and that safe return would be a more viable option.

J. Prevention

73. The focus of the Government has been more on victim assistance than prevention. At present, public awareness campaigns and bilateral agreements (often focused on irregular migration) are the two main activities in the area of prevention. Difficulties specific to prevention include the existence of an underground economy controlled by organized crime in which workers are susceptible to intimidation and coercion.

1. Creating safe migration pathways

74. Legislation regularizing the residence status of migrants was adopted, enabling employers to regularize all their informally hired workers. However, widespread fraud — usually perpetrated by Italian employers — during the regularization process was noted. According to information received by the Special Rapporteur, a number of migrants have been requested by their employers to pay an amount of money ranging from 500 to 4,500 euros in order to obtain a work residence permit and have their status regularized. The Special Rapporteur was informed by CSOs that, in some cases, employers duly followed the regularization process, but it is estimated that the majority of employers submitted applications but subsequently failed to complete the required administrative steps. In other cases, employers asked for additional payment to follow through the regularization procedure or erroneously informed the migrant workers that they were in compliance with all the rules.

2. Awareness-raising

75. Anti-trafficking CSOs funded by the Government carry out local campaigns with the aim of reducing the demand for prostitutes. Unfortunately, the exploitation of trafficked workers is not addressed by those campaigns. Previous national public-awareness campaigns include *La tratta cancella le persone, tu puoi cancellare la tratta* (Trafficking terminates people, you can terminate trafficking) in 2009 and a joint project with Romania entitled *La tratta non perdona* (Trafficking in persons does not forgive) in 2010. In addition, since 2007, Italy has been a member of the European G6 initiative against trafficking in human beings, the aim of which is to conduct awareness campaigns and focus on victim protection. CSOs provided information to the Special Rapporteur on the efforts made in countries of origin, such as Nigeria, to warn people of the dangers to which they are exposed when choosing informal migration channels.

76. Furthermore, CSOs reported that the issue of discrimination and racism has a further impact on victims' ability to seek and obtain protection as provided for by law. Indeed, the general perception of undocumented migrants as criminals has led to the development of a bias against them. Moreover, in the context of labour exploitation, and particularly domestic servitude, the prevalent belief seems to be that, even if undocumented migrant workers are underpaid, they are rendered a favour through the provision of employment and a wage that they would not have in their countries of origin.

K. Cooperation and partnership

1. Cooperation with civil society

77. The Government relies largely on CSOs, including faith-based organizations, to implement social protection programmes, which include providing shelters, vocational education and legal assistance to trafficked persons, especially women and girls, through the allocation of periodic government funds following tenders. The challenge of this system is its short-term, project-based approach, which has an impact on the effectiveness and sustainability of the assistance provided to formally recognized victims or potential victims of human trafficking. Moreover, it was reported that non-provision or delays in funding by local authorities have hampered the quality of assistance provided to victims. In Naples, some CSOs have reportedly experienced a three-year backlog in the transfer of funds for the operation of their activities.

78. Moreover, the Government has yet to develop a mechanism to monitor and evaluate the actual implementation of the selected projects and their impact on targeted populations. CSOs also stressed the necessity for the Government to be more receptive to the different needs of organizations implementing the social assistance programmes, which may vary from one region to the other.

2. International, regional and bilateral cooperation

79. Italy has concluded several bilateral agreements with source countries in Africa, in which the Government committed itself to providing training equipment and other benefits in return for specific action to prevent unauthorized departures of migrants from their territories, and the reception of irregular migrants found in international and Italian waters. For example, on 3 April 2012, Italy entered a bilateral agreement with Libya to combat unauthorized departures of migrants. Those agreements, and the actions that they have authorized, have been widely criticized on human rights grounds, as migrants, refugees and asylum seekers often risk serious human rights abuses in their home country. The bilateral framework does not include specific safeguards for asylum seekers and refugees.

80. Regarding the main source countries of irregular migrants, Italian attempts to effectively cooperate with law enforcement authorities in Nigeria have yet to yield tangible results. From 2009 to 2012, the European Union and the International Labour Organization carried out and funded a joint 1.26 million euro programme aimed at developing cooperation between Nigeria and Italy with a view to prosecuting traffickers, protecting and reintegrating victims and preventing trafficking.[10] This programme focused on training Nigerian law enforcement officials and compiling statistical data on the scope and forms of human trafficking from Nigeria to Italy and other countries. Challenges include requests that are not answered expeditiously or at all, and the provision of new passports to undocumented migrants who have obtained their passports under false names but with their own fingerprints.

81. Since 2000, Romania and Italy have also engaged in a partnership to conduct joint law enforcement operations and investigations. A joint investigation team in place since 2006 also facilitates the repatriation of victims and allows for Romanian police officers to be present on Italian territory to investigate Romanian organized crime networks operating in Italy. From 2012 to mid-2013, 159 Romanian victims of trafficking were identified in Italy, of whom 70 were returned to Romania.

82. At the regional level, Italy also works jointly with regional mechanisms such as the European Police Office and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) to combat human trafficking in source countries, Italy and Europe. Moreover, the Italian presidency of the European Union, to be assumed in mid-2014, will focus on the thematic priority of the Year of the Mediterranean, which addresses border security and immigration issues, inter alia.

III. Conclusions and recommendations

A. Conclusions

83. **The Special Rapporteur recognizes the efforts of Italy to fight trafficking in persons reflected in the ratification of the major international and regional human rights instruments, the promulgation of comprehensive national anti-trafficking legislation and the establishment of an anti-trafficking referral system, which hosts a hotline for reporting cases of trafficking and provides for the identification and assistance of victims of trafficking and their social inclusion or repatriation of victims.**

84. **Despite these positive steps, challenges must be addressed if Italy is to succeed in effectively combating trafficking in persons: its capacity to engage in rapid and accurate victim identification appears to be inadequate.**

85. **The absence of a national strategy to combat trafficking in persons and the lack of a comprehensive and harmonized system for collecting statistical data, coupled with the State's main focus on combating the sexual exploitation of women and girls, with little attention paid to the growing incidence of trafficking for labour exploitation (which occurs notably in southern Italy), remain obstacles to accurately determining the scope of the phenomenon and effectively addressing it.**

[10] European Commission, Together Against Trafficking in Human Beings, "Enhancing cooperation to fight trafficking in human beings from Nigeria to Europe". Available from http://ec.europa.eu/anti-trafficking/entity.action;jsessionid=vRGBRPKQpTpJJ6Zr0JbBt1562fXTJHyQFkS2ZlWwnkZGmymnG49T!-1360130564?path=EU+Projects%2FM%26A_153-526_2008.

86. **With regard to the implementation of social protection programmes, social services provided by CSOs under articles 13 and 18 lack consistent funding, which jeopardizes these fundamental services for rehabilitating and reintegrating victims of trafficking.**

87. **In terms of the national legal framework, the Special Rapporteur encourages the Government to implement existing laws on trafficking in persons and extend the existing legislation on trafficking to cover all forms of trafficking, including labour exploitation, so that it provides adequate protection to all victims.**

B. Recommendations

88. **In view of the above observations, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations.**

1. Legal, policy and institutional frameworks

89. **The State should:**

(a) Ratify the International Convention of the Protection on the Rights of All Migrant Workers and Members of Their Families;

(b) Expedite the preparation of a national action plan that identifies objectives, delineates responsibilities, provides sufficient funding and sets out clear indicators to measure the progress and impact of policy response, in consultation with all stakeholders, including CSOs and faith-based organizations;

(c) Consider establishing and coordinating an inter-institutional cooperation-coordination mechanism or a network of government authorities at the national and regional levels, involving CSOs, in order to address trafficking issues through a multisectoral approach;

(d) Consider appointing a national rapporteur tasked with monitoring the progress, implementation and impact on human rights of anti-trafficking legislation and policy responses, as provided for in European Union directive 2011/36/EU.

2. Training and capacity-building

90. **The State should:**

(a) Consistently implement the existing identification system and allocate adequate resources to it throughout the country. This should be done by creating and reinforcing specific tools and protocols for identifying victims of trafficking, building capacities and providing training for relevant law enforcement agents, especially the police, immigration officials, labour inspectors and social workers, including in the centres of identification and expulsion. Such training should seek to enhance the capacity of those officials to identify trafficked persons quickly and accurately, and to make referrals to appropriate services, particularly when minors are involved;

(b) Strengthen the referral mechanism and ensure that it is understood by all stakeholders, including the law enforcement agencies and civil society organizations involved in anti-trafficking initiatives.

3. Support services to victims of trafficking

91. The State should:

(a) Provide sufficient resources for services to victims of trafficking and, where the Government is not directly providing such services (including shelter, compensation to victims as part of access to justice and the right to an effective remedy), it should continue to grant adequate funding to the non-governmental organizations that provide them. Adequate resources should be allocated over a longer term to enhance the effectiveness and sustainability of anti-trafficking initiatives by moving from project-based to service-based support. The recovery and reintegration of victims of trafficking should also be given continuous and adequate government funding;

(b) Protect the rights and freedom of women and men and prevent exploitation of migrant workers while promoting safe migration options;

(c) Given the inconsistent statistics on trafficking, create a centralized mechanism for the collection of statistical information on trafficking, including its forms, trends and manifestations. This is instrumental to designing informed policy responses to trafficking in persons;

(d) Undertake a risk assessment of all victims who are witnesses and tailor protection programmes accordingly. In certain circumstances, this could include issuing "family permits" alongside article 18 residence permits. It also implies cooperation and partnership with the law enforcement authorities in countries of origin so that they can provide the necessary protection to victims' families there.

4. Prevention

92. The State should:

(a) Scale up the identification of and strategically target individuals who are at particular risk of being trafficked, both in Italy and in the countries of origin. This requires close cooperation with source countries and a multilateral assessment of the salient characteristics of trafficking and smuggling flows;

(b) Raise public awareness through campaigns to change attitudes towards migrants and trafficked victims, using the media, information technology and other channels of communication in order to send a strong condemnation of all forms of human trafficking, both in Italy and in source countries, dispel myths and fight racist and discriminatory prejudice against migrants;

(c) Address demand as a root cause, as well as the factors that increase the vulnerability of persons to trafficking, including inequality, poverty and all forms of discrimination and prejudice. With a specific focus on sex trafficking, enhance work to reduce demand for sexual services and raise clients' awareness of the situation of those who provide the services.

5. International, regional and bilateral cooperation

93. The State should:

(a) Strengthen capacity-building partnerships with source countries, including through bilateral and multilateral agreements, and extend cooperation for the exchange of information and for mutual legal and investigation assistance. Partnerships should also be focused on addressing the root causes of trafficking in source countries jointly with States concerned;

(b) Maintain and strengthen closer cooperation with the relevant United Nations agencies and international organizations in the areas of identification, protection, repatriation and capacity-building;

(c) Promote public-private partnership to secure the necessary funds to combat all forms of trafficking.